

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
San Francisco Venue

Fourth Amended Petition for Warrant for Person Under Supervision

Person Under Supervision

Richard Henry Visor

Docket Number

0971 3:21CR00119-001 CRB

Name of Sentencing Judge: The Honorable Christine M. Arguello ***FILE UNDER SEAL***
United States District Judge
District of Colorado

Date of Original Sentence: February 24, 2011

Original Offense: One: Conspiracy to Distribute 50 Grams or More of Methamphetamine (Actual), or 500 Grams or More of a Mixture or Substance Containing Methamphetamine 21 U.S.C. §§ 846 and 841(a)(1) and (b)(1)(A)(viii) and Aiding and Abetting 18 U.S.C. § 2, A class A felony.

Original Sentence: 120 months imprisonment, five years' supervised release.

Special Conditions: Participate in and complete a program of testing and/or treatment for substance abuse; search by USPO; and pay \$100 special assessment.

On March 22, 2021, jurisdiction was transferred from the District of Colorado to the Northern District of California and assigned to Your Honor as a duty matter.

Prior Form(s) 12: On June 28, 2021, Your Honor took judicial notice after Mr. Visor admitted to using methamphetamine, methadone, THC, cocaine, and fentanyl between February 18, and May 17, 2021.

On June 29, 2021, Your Honor took judicial notice after Mr. Visor admitted to using methamphetamine, THC, and fentanyl and new criminal conduct involving the possession of drug paraphernalia.

On September 8, 2021, Your Honor modified conditions of supervised release to include 60 days at the Residential Reentry Center while arrangement were made for Mr. Visor to enter into a residential treatment program.

On September 15, 2021, a Petition for Warrant for Person Under Supervision was granted, alleging charge number one.

On November 9, 2021, an Amended Petition for Warrant for Person Under Supervision was granted, alleging charge number two and three.

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On December 2, 2021, Mr. Visor appeared before Magistrate Judge Joseph C. Spero for arraignment. A detention hearing was set for December 7, 2021, and a status was scheduled before Your Honor on January 5, 2022.

On December 7, 2021, Mr. Visor appeared before Magistrate Judge Joseph C. Spero. It was ordered by the Court that Mr. Visor be released on December 9, 2021, at 7AM and be transported by the U.S. Probation Office to HealthRight360 in order to attend residential treatment.

On December 9, 2021, Mr. Visor was released from custody and transported to HealthRighh360 and entered a residential treatment program.

On December 14, 2021, Mr. Visor absconded from residential treatment and a Petition for Warrant for Person Under Supervision was granted on December 17, 2021, alleging Charge Number Four.

On February 10, 2022, Mr. Visor appeared before the Honorable Laurel Beeler, United States Magistrate Judge, for arraignment and a detention was waived.

On April 6, 2022, Mr. Visor appeared before You Honor in custody, and conditions of supervised release were modified to include 180 days at the San Francisco Residential Reentry Center. Mr. Visor was released from federal custody on April 14, 2022.

Type of Supervision
Supervised Release
Assistant U.S. Attorney
Kevin Barry

Date Supervision Commenced
February 9, 2021
Defense Counsel
Elisse Larouche

Petitioning the Court for the issuance of a no bail warrant for the arrest of the person under supervision. It is further requested to take notice of the additional violation conduct as set forth in Charge Seven of this amended petition (all additions have been highlighted in bold print) and to incorporate the information into all future proceedings. Additionally, to vacate the status hearing set for June 3, 2022, at 10:00am.

I, Joseph Milliken, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

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Charge Number

Violation

One

There is probable cause to believe that the person under supervision violated the special condition that states, in part, you must reside at a Residential Reentry Center for a period of up to 60 days at the discretion of the probation office.

On September 8, 2021, Your Honor modified conditions of supervised release to include 60 days at the Residential Reentry Center while arrangements were made for Mr. Visor to enter a residential treatment program.

On September 8, 2021, the Probation Office attempted to contact Mr. Visor without success, sending text messages and leaving voicemails. The Probation Office spoke with Mr. Visor's mother, informing her that Mr. Visor needed to report to the Residential Reentry Center on September 9, 2021, at 10:00am.

On September 9, 2021, the San Francisco Residential Reentry Center reported that Mr. Visor had not reported.

On September 10, 2021, the undersigned attempted to contact Mr. Visor without success, sending text messages and leaving voicemails. The undersigned spoke with Mr. Visor's mother, who reported that Mr. Visor was not home and did not return home last night.

Evidence in support of this charge includes the chronological entries maintained by the probation office dated September 8, 9, and 10, 2021.

Two

There is probable cause to believe that Mr. Visor violated the mandatory condition that states, the defendant shall not commit another federal, state, or local crime.

On November 2, 2021, Mr. Visor was in violation of California Health and Safety Code Section 11351 – Possession for Sale of a Controlled Substance (F), California Health and Safety Code Section 11377 – Possession of Methamphetamines (F), and California Vehicle Code Section 21955(a) – Jaywalking (Infraction).

On November 2, 2021, San Francisco Police Officers responded to a scooter vs pedestrian accident. It was discovered that Mr. Visor was struck by a scooter while jaywalking, injuring his leg. Mr. Visor gave officers a false name and date of birth. His identity was later discovered after being transported to Tenderloin Police Station. Upon searching Mr. Visor, officers located a small clear plastic baggie containing 2.8 grams of methamphetamine. Located in the same pocket, officers located another small clear plastic baggie that contained 2.7 grams of fentanyl. Both controlled substances tested presumptive positive.

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Evidence in support of this charge is contained within the San Francisco Police Department Incident Report number 210720890.

Three

There is probable cause to believe that Mr. Visor violated the mandatory condition that states, the defendant shall not unlawfully possess a controlled substance.

As stated in Charge Two, on November 2, 2021, San Francisco Police Officers responded to a scooter vs pedestrian accident. Upon searching Mr. Visor, officers located a small clear plastic baggie containing 2.8 grams of methamphetamine. Located in the same pocket, officers located another small clear plastic baggie that contained 2.7 grams of fentanyl. Both controlled substances tested presumptive positive.

Evidence in support of this charge is contained within the San Francisco Police Department Incident Report number 210720890.

Four

There is probable cause to believe that the person under supervision violated the special condition that states, in part, you shall participate in and successfully complete a program of treatment for substance abuse.

On December 7, 2021, Mr. Visor appeared before Magistrate Judge Joseph C. Spero. It was ordered by the Court that Mr. Visor be released on December 9, 2021, at 7AM and be transported by the U.S. Probation Office to HealthRight360 in order to attend residential treatment.

On December 9, 2021, Mr. Visor was released from custody and transported to HealthRighh360 and entered into the 90-day Walden House residential treatment program.

On December 11, 2021, Walden House staff reported that Mr. Visor tested positive for methamphetamine.

On December 14, 2021, Mr. Visor was unsuccessfully discharged from the residential treatment program due to drug use.

Mr. Visor has failed to contact the Probation Office and his current whereabouts remain unknown at this time.

Evidence in support of this charge includes the chronological entries maintained by the probation office dated December 9 and 17, 2021.

Five

There is probable cause to believe that Mr. Visor violated the mandatory condition that states, the defendant shall not commit another federal, state, or local crime.

On January 31, 2022, Mr. Visor was in violation of California Health and Safety Code Section 11364 – Possession of Drug Paraphernalia (M)

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and California Penal Code 148.9 – False Identification to a Police Officer.

On January 31, 2022, while on patrol San Francisco Police Officers observed Mr. Visor holding a glass pipe with a bulbous end. Mr. Visor stated his name was “Richard Henry Wilson”. Officers were able to find out Mr. Visors true name and the undersigned was notified of the violation conduct. The drug paraphernalia was confiscated, and Mr. Visor was released from the scene.

Evidence in support of this charge is contained within the San Francisco Police Department Incident Report number 220069183.

Six

There is probable cause to believe that Mr. Visor violated the mandatory condition that states, the defendant shall not commit another federal, state, or local crime.

On February 8, 2022, Mr. Visor was in violation of California Health and Safety Code Section 11364 – Possession of Drug Paraphernalia (M); Health and Safety Code Section 11377 – Possession of Methamphetamine (M); Health and Safety Code Section 11357 – Possession of Marijuana (M); and Health and Safety Code Section 11375 – Possession of a Controlled Substance without a Prescription (M).

On February 8, 2022, while on patrol, San Francisco Police Officers observed Mr. Visor in the area of UN Plaza with knowledge of a federal probation warrant. Upon taking Mr. Visor into custody, officers found the following on Mr. Visor’s person: a glass pipe and foil with burnt residue, .4 grams of methamphetamine, one Xanax pill, two suspected ecstasy pills, and marijuana. Mr. Visor was transported to the hospital, as he reported to officers that he recently consumed fentanyl and ecstasy.

Evidence in support of this charge is contained within the San Francisco Police Department Incident Report number 220088127.

Seven

There is probable cause to believe that the person under supervision violated the special condition that states, in part, you must reside at a Residential Reentry Center for a period of up to 180 days at the discretion of the probation office.

On April 6, 2022, Your Honor modified conditions of supervised release to include 180 days at the San Francisco Residential Reentry Center while pending resolution of this Form 12.

On April 14, 2022, at approximately 7:45 A.M., Mr. Visor was released from federal custody. On April 14, 2022, at approximately

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3:30 P.M., the director of the San Francisco Residential Reentry Center contacted the undersigned, reporting that Mr. Visor failed to report, as directed and ordered by the Court.


Mr. Visor's whereabouts are unknown at this time.

Evidence in support of this charge includes the chronological entries maintained by the probation office dated April 14, 2022.


Based on the foregoing, there is probable cause to believe that Richard Henry Visor violated the conditions of his Supervised Release.

Respectfully submitted,

Reviewed by:



Joseph Milliken
U.S. Probation Officer
Date Signed: April 19, 2022




Michael J. Primeau
Supervisory U.S. Probation Officer

Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

☒ **The issuance of a no bail warrant for the arrest of the person under supervision AND ORDER THAT THIS FORM BE FILED UNDER SEAL, AND NO PUBLIC RECORD OF WARRANT ISSUANCE BE MADE. THE FORM SHALL BE UNSEALED AND BE PART OF THE PUBLIC RECORD UPON ITS EXECUTION. The Court also takes notice of the additional violation conduct as set forth in Charge Seven of this amended petition and incorporates the information into all future proceedings. Additionally, the status hearing set for June 3, 2022, at 10:00am is vacated.**

☐ Other:

April 20, 2022
Date



The Honorable Charles R. Breyer
Senior United States District Judge

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APPENDIX

Grade of Violations: A [USSG §7B1.1(a)(1), p.s.]

Criminal History at time of sentencing: VI

	Statutory Provisions	Guideline Provisions
Custody:	Five years 18 U.S.C. §3583(e)(3)	51-63 months USSG § 7B1.4(a), p.s.
Supervised Release:	Five years, less any time in custody upon revocation 18 U.S.C. §3583(h)	Five years, less any time in custody upon revocation USSG §7B1.3(g)(2), p.s.
Probation:	Not applicable	Not applicable